



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/200,430	11/27/1998	KAORU YAMAMOTO	041465-5053	4823

7590 03/11/2003

MORGAN LEWIS & BOCKIUS
1800 M STREET NW
WASHINGTON, DC 200365869

EXAMINER

ONUAKU, CHRISTOPHER O

ART UNIT

PAPER NUMBER

2615

DATE MAILED: 03/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/200,430

Applicant(s)
Yamamoto et al

Examiner
Christopher O. Onuaku

Art Unit
2615



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jan 9, 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ | 6) <input type="checkbox"/> Other: |

Art Unit: 2615

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 1/9/03 have been fully considered but they are not persuasive.

Examiner still maintains examiner's response to the applicant's argument in the last office action.

Furthermore, applicant's argument that by adding the limitations "... for a first reproducing apparatus with video and audio reproduction ability..." and "...a second reproducing apparatus with audio only reproduction ability..." that this addition distinguishes the first set of claims with the second set of claims, and therefore overcomes the Sakai reference. Examiner disagrees. Sakai clearly discloses the video signal is identified with a code and that the audio signal is identified with an audio (sound) code. During audio playback, the audio signal is reproduced individually by using the audio code (audio reproducer or claimed second reproducing apparatus with audio only reproduction ability). And during the simultaneous playback the audio and video signals are reproduced simultaneously (video reproducer or claimed first reproducing apparatus with video and audio reproduction ability).

Applicant argues that although Sakai discloses two kinds of control codes corresponding to the sound signal and the picture signal, Sakai does not teach or suggest that one of the two kinds of control codes is for an audio only reproducing apparatus and the other kind of control code is for a video and audio reproducing apparatus. Examiner disagrees. Sakai system can

Art Unit: 2615

reproduce audio signal alone and can reproduce the audio and video signals simultaneously. When an apparatus can reproduce audio and video signals together, that apparatus is then known as an apparatus for producing audio-video signals. On the other hand, when an apparatus can reproduce audio signal only, that apparatus is then known as an apparatus for producing audio signal (audio/sound reproducing apparatus).

It is, therefore, clear that the Sakai reference discloses the claimed invention.

The rejections are maintained.

Claim Rejections - 35 U.S.C. § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Sakai (GB 2 225 147).

Regarding claim 1, Sakai discloses an electronic still camera which can distinguishably indicate the picture signal and the sound signal during recording and reproducing, comprising:

a) information record medium (see Fig.1&3, magnetic disc 15);

Art Unit: 2615

b) substantial information including video information (picture signal) and audio information (sound signal) which are related to each other (page 10, line 26 to page 11, line 21);

c) first reproduction control information to reproduce the video information and the audio information out of the substantial information for a first reproduction apparatus with video and audio reproduction ability (see the sound control code and the picture control code, respectively and the simultaneous reproduction operation of the sound and picture signals, page 12, lines 18-27); here the sound control code and the picture control code, respectively, are used to identify the sound signal and the picture signal during the playback operation, and read on reproduction control information, since the sound control code and the picture control code, respectively, facilitate the playback operation. Furthermore, the display of "AUDIO" and "VIDEO" by the LCD panel 34 during the simultaneous audio video playback shows that this is the claimed "first reproducing apparatus" that reproduces the audio and the video signals together;

d) second reproduction control information to reproduce only the audio information out of the substantial information for a second reproduction apparatus with audio only reproduction ability (see the sound control code and the sound reproduction operation, page 12, lines 9-17), here only the audio signal is reproduced. Furthermore, the display of "AUDIO" by the LCD panel 34 during the audio playback shows that this is the claimed "second reproducing apparatus" that reproduces only the audio signal the video;;

e) wherein the substantial information and the first reproduction control information are recorded in the video zone (see page 6, lines 15-17, wherein upon recording, when the sound

Art Unit: 2615

signals are recorded together with the picture signal, the corresponding control code is simultaneously recorded in a sector/video zone), and the second reproduction information is recorded in the audio zone (see page 6, lines 11-13, wherein upon recording, when the sound signals are recorded, the corresponding control code concerning the time mode etc is simultaneously recorded in a sector/audio sector), here the control code corresponding to the audio signal recorded together with the video signal, and the corresponding control code recorded together with the sound signal, constitute the first and second reproduction control information, respectively.

It is pertinent to point out that Fig.4 shows the format of recording in the different zones of the magnetic disc 15 (see page 7, lines 12-17).

Regarding claim 2, Sakai discloses wherein the first reproduction control information and the second reproduction control information prescribes a reproduction of a same portion of the substantial information (see page 5, line 21 to page 6, line 17, and page 12, line 6 to page 13, line 3). Here whether only one of or both of the picture signal and the sound signal is or are recorded on the track of the magnetic disc 15 which is played back is indicated by the processing of the magnetic disc 15 and the control code deciphering portion 47

Regarding claim 3, Sakai discloses wherein:

Art Unit: 2615

a) the first reproduction control information divides the substantial information into a plurality of first information units and prescribes a reproduction control of the first information units (see control codes used to identify the sound and picture signals, respectively; when the picture signals are recorded, appropriate control codes are assigned to the picture signals; page 11, line 22 to col.12, line 5):

b) the second reproduction control information divides the substantial information into a plurality of second information units, which are different from the information units, and prescribes a reproduction control of the second information units (see control codes; when the sound signals are recorded, appropriate control codes are assigned to the sound signals; page.6, lines 10-17)

The control codes assigned to the sound signals and picture signal are different since the control codes are based on the type of signal (see .page 6, lines 10-11).

Regarding claim 4, Sakai discloses wherein the second reproduction control information prescribes a reproduction of the substantial information in a reproduction order which is different from that of the first reproduction control information with respect to a same portion of the substantial information (see page 6, lines 10-17; and col.11, lines 28-30), here in a case of picture signal reproduction, the record (field or frame recording) mode is judged and in the case of the sound signal reproduction, the time mode is judged. Since during recording, the sound signal is

Art Unit: 2615

recorded based on time mode, and the picture signal is recorded based on the recording mode, the sound signal reproduction order would be different from the picture signal reproduction order.

Regarding claim 5, Sakai discloses another substantial information including only audio information recorded in the audio zone (see page 6, lines 11-13, wherein upon recording, when the sound signals are recorded, the corresponding control code concerning the time mode etc is simultaneously recorded in a sector/audio sector), here only the sound signal and the corresponding control code are recorded in one sector/zone of the magnetic disc 15 of Fig.1.

Regarding claim 6, the claimed limitations of claim 6 are accommodated in the discussions of claim 1 above, and Sakai further discloses;

- a) an information reproducing apparatus (see Fig.1);
- b) a reading device for reading the substantial information, the first reproduction control information and the second reproduction control information from the record medium (see claim 1 discussions; additionally, see head 36 that reads the signals recorded on magnetic disk 15 during playback; page.11, lines 22-30);
- c) a reproducing device for reproducing the substantial information in accordance with the first reproduction control information when a reproduction of the video information and the audio information is instructed, and reproducing the substantial information in accordance with the second reproduction control information when a reproduction of only the audio information is

Art Unit: 2615

instructed (see claim 1 discussions; also see Fig.1, control codes and the control code deciphering portion 47; and page 11, lines 22-30).

Regarding claim 7, the claimed limitations of claim 7 are accommodated in the discussions of claim 1 above, and Sakai further discloses;

- a) an information reproducing apparatus (see Fig.1);
- b) a reading device for reading the substantial information and the first reproduction control information from the record medium (see claim 1 discussions; additionally, see head 36 that reads the signals recorded on magnetic disk 15 during playback; page.11, lines 22-30);
- c) a reproducing device for reproducing the substantial information in accordance with the first reproduction control information when a reproduction of the video information and the audio information is instructed (see claim 1 discussions; also see Fig.1, control codes and the control code deciphering portion 47; and page 11, lines 22-30).

Regarding claim 8, the claimed limitations of claim 8 are accommodated in the discussions of claim 1 above, and Sakai further discloses;

- a) an information reproducing apparatus (see Fig.1);
- b) a reading device for reading the substantial information and the second reproduction control information from the record medium (see claim 1 discussions; additionally, see head 36 that reads the signals recorded on magnetic disk 15 during playback; page.11, lines 22-30);

Art Unit: 2615

c) a reproducing device for reproducing the substantial information in accordance with the second reproduction control information when a reproduction of only the audio information is instructed (see claim 1 discussions; also see Fig.1, control codes and the control code deciphering portion 47; and page 11, lines 22-30).

Regarding claim 9, the claimed limitations of claim 9 are accommodated in the discussions of claim 1 above. Further, Sakai discloses information reproducing method for reproducing an information record medium comprising substantial information including video information and audio information which are related to each other; first reproduction control information to simultaneously reproduce the video information and the audio information out of the substantial information; and second reproduction control information to reproduce only the audio information out of the substantial information(see claim 1 discussions), the information reproducing method comprising ;

a) a reading process for reading the substantial information, the first reproduction control information and the second reproduction control information from the record medium (see claim 1 discussions; additionally, see head 36 that reads the signals recorded on magnetic disk 15 during playback; page.11, lines 22-30);

b) a reproducing process for reproducing the substantial information in accordance with the first reproduction control information when a reproduction of the video information and the audio information is instructed, and reproducing the substantial information in accordance with

Art Unit: 2615

the second reproduction control information when a reproduction of only the audio information is instructed (see claim 1 discussions; also see Fig. 1, control codes and the control code deciphering portion 47; and page 11, lines 22-30).

Regarding claim 10, the claimed limitations of claim 10 are accommodated in the discussions of claim 1 above. Further, Sakai discloses information reproducing method for reproducing an information record medium comprising substantial information including video information and audio information which are related to each other; first reproduction control information to simultaneously reproduce the video information and the audio information out of the substantial information; and second reproduction control information to reproduce only the audio information out of the substantial information(see claim 1 discussions), the information reproducing method comprising ;

a) a reading process for reading the substantial information and the first reproduction control information from the record medium (see claim 1 discussions; additionally, see head 36 that reads the signals recorded on magnetic disk 15 during playback; page. 11, lines 22-30);

b) a reproducing process for reproducing the substantial information in accordance with the first reproduction control information when a reproduction of the video information and the audio information is instructed (see claim 1 discussions; also see Fig. 1, control codes and the control code deciphering portion 47; and page 11, lines 22-30).

Art Unit: 2615

Regarding claim 11, the claimed limitations of claim 11 are accommodated in the discussions of claim 1 above. Further, Sakai discloses information reproducing method for reproducing an information record medium comprising substantial information including video information and audio information which are related to each other; first reproduction control information to simultaneously reproduce the video information and the audio information out of the substantial information; and second reproduction control information to reproduce only the audio information out of the substantial information(see claim 1 discussions), the information reproducing method comprising ;

a) a reading process for reading the substantial information and the second reproduction control information from the record medium (see claim 1 discussions; additionally, see head 36 that reads the signals recorded on magnetic disk 15 during playback; page.11, lines 22-30);

b) a reproducing process for reproducing the substantial information in accordance with the second reproduction control information when a reproduction of only the audio information is instructed (see claim 1 discussions; also see Fig.1, control codes and the control code deciphering portion 47; and page 11, lines 22-30).

Regarding claim 12, the claimed limitations of claim 12 are accommodated in the discussions of claims 5&6 above.

Art Unit: 2615

Regarding claim 13, the claimed limitations of claim 13 are accommodated in the discussions of claims 5&7 above.

Regarding claim 14, the claimed limitations of claim 14 are accommodated in the discussions of claims 5&8 above.

Regarding claim 15, the claimed limitations of claim 15 are accommodated in the discussions of claims 5&9 above.

Regarding claim 16, the claimed limitations of claim 16 are accommodated in the discussions of claims 5&10 above.

Regarding claim 17, the claimed limitations of claim 17 are accommodated in the discussions of claims 5&11 above.

Regarding claim 18, the claimed limitations of claim 18 are accommodated in the discussions of claim 1 above.

Regarding claim 19, the claimed limitations of claim 19 are accommodated in the discussions of claim 1 above.

Art Unit: 2615

Regarding claim 20, the claimed limitations of claim 20 are accommodated in the discussions of claim 6 above.

Regarding claim 21, the claimed limitations of claim 21 are accommodated in the discussions of claim 6 above.

Regarding claim 22, the claimed limitations of claim 22 are accommodated in the discussions of claim 6 above.

Regarding claim 23, the claimed limitations of claim 23 are accommodated in the discussions of claim 6 above.

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CAR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CAR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however,

Art Unit: 2615

will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

5. Any inquiry concerning this communication or earlier communications from this examiner should be directed to Christopher Onuaku whose telephone number is (703) 308-7555. The examiner can normally be reached on Tuesday to Thursday from 7:30 am to 5:00 pm. The examiner can also be reached on alternate Monday.

If attempts to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Andrew B. Christensen, can be reached on (703) 308-9644.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications intended for entry)

and (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Application/Control Number: 09/200,430

Page 15

Art Unit: 2615

Any inquiry of a general nature or relating to the status of this application should be directed to Customer Service whose telephone number is (703) 306-0377.

lcoo
COO

3/8/03

[Signature]
THAI TRAN
PRIMARY EXAMINER